

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSEPH HERNDON,

Plaintiff,

v.

ARNP G. DURANO, *et al*,

Defendants.

Case No. C06-5154RJB

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$250.00 or file a proper application to proceed *in forma pauperis*.

On March 21, 2006, the Clerk received plaintiff's complaint and application to proceed *in forma pauperis*. (Dkt. #1). On March 29, 2006, the Clerk sent plaintiff a letter informing him his application contained several deficiencies, which he must cure by no later than April 28, 2006, or this action could be subject to dismissal. (Dkt. #2). On April 5, 2006, plaintiff filed a response to the Clerk's letter, which cured some of those deficiencies. (Dkt. #3). However, one deficiency remains.

1 Pursuant to 28 U.S.C. § 1915(a)(2):

2 A prisoner seeking to bring a civil action or appeal a judgment in a civil action or
3 proceeding without prepayment of fees or security therefor . . . shall submit a certified
4 copy of the trust fund account statement (or institutional equivalent) for the prisoner for
5 the 6-month period immediately preceding the filing of the complaint or notice of appeal,
6 obtained from the appropriate official of each prison at which the prisoner is or was
7 confined.

8 Plaintiff thus was required to submit a statement showing the balance and activity of his account for the
9 six-month period immediately preceding the filing of his complaint. Plaintiff so far has submitted a copy of
10 his prison trust account statement showing the balance and activity in his account for the months of
11 November 2005, through February 2006, a period of only four months.

12 Accordingly, the Court orders the following:

- 13 (1) Plaintiff shall seek to cure the above remaining deficiency by filing **no later than June 10,**
14 **2006,** a copy of his prison trust account statement pursuant to 28 U.S.C. § 1915(a)(2)
15 showing the balance and activity of his account(s) for the six-month period immediately
16 preceding the filing of his complaint.
17 **Failure to cure this deficiency by the above date shall be deemed a failure to properly**
18 **prosecute this matter and the Court will recommend dismissal of this matter.**
- 19 (2) The Clerk is directed to send a copy of this Order to plaintiff.

20 DATED this 10th day of May, 2006.

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22 Karen L. Strombom
23 United States Magistrate Judge
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